

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Cohen on 1/13/09 where it was discussed the reinsertion of the term "SEQ ID NO:" before the number 81 in claim 72. The amendment is of formal nature and is to better describe the claimed invention.

The application has been amended as follows:

In claim 72, line 5, --SEQ ID NO:-- has been inserted before the number "81".

Claims 72-90, 92 and 93 are allowed. The restriction requirement between Group I and II, as set forth in the Office action mailed on 8/13/08, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a).

The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim. Claim 94-96 are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim. In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such

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claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Claims 94-96 have been examined and are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean R. McGarry whose telephone number is (571) 272-0761. The examiner can normally be reached on M-Th (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Douglas Schultz can be reached on (571) 272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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